

§ 641.304 Recruitment and selection of enrollees.

Grantees and subgrantees shall use methods of recruitment and selection (including notifying the State employment security agency when vacancies occur) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the program. Recruitment efforts shall be designed, to the extent feasible, to assure equitable distribution of services to groups described in § 641.302(e). [Section 502(b)(1)(H) of the OAA.]

§ 641.305 Enrollment eligibility.

(a) *General.* Eligibility criteria set forth in this section apply to all SCSEP applicants and enrollees, including the following individuals:

(1) Each individual seeking initial enrollment;

(2) Each individual seeking reenrollment after termination from the SCSEP because of loss of unsubsidized employment through no fault of their own, including illness; and

(3) Each enrollee seeking recertification for continued enrollment.

(b) *Eligibility criteria.* To be eligible for initial enrollment, each individual shall meet the following criteria for age, income, and place of residence:

(1) *Age.* Each individual shall be no less than 55 years of age. No person whose age is 55 years or more shall be determined ineligible because of age, and no upper age limit shall be imposed for initial or continued enrollment. [Section 502 of the OAA.]

(2) *Income.* The income of the family of which the individual is a member shall not exceed the low-income standards defined in § 641.102 and issued by the Department. In addition, a disabled person may be treated as a "family of one" for income eligibility purposes.

(3) *Residence.* Each individual, upon initial enrollment, shall reside in the State in which the project is authorized.

(c) *No additional eligibility requirement.* Grantees and subgrantees shall not impose any additional condition or requirement for enrollment eligibility unless required by Federal law.

(d) *Dual Eligibility.* Individuals eligible under title V of the OAA who are

enrolled in a joint program established under a written financial or non-financial agreement to jointly operate programs with JTPA shall be deemed to satisfy the requirements of JTPA Title II-A.

(e) *Special responsibilities of the grantees and subgrantee(s) relating to eligibility.*

(1) Each grantee or subgrantee shall recertify the income of each enrollee under its grant or subgrant, respectively, once each project year, according to the schedule set forth in the grant agreement and shall maintain documentation to support the recertification. Enrollees found to be ineligible for continued enrollment because of income shall be given, by the grantee or subgrantee, a written notice of termination and shall be terminated 30 days after the notice. No enrollee shall participate in a community service position for more than 12 months without having his or her income recertified.

(2) If, at any time, the grantee or a subgrantee determines that an enrollee was incorrectly declared eligible as a direct result of false information given by that individual, the individual shall be given a written notice explaining the reason or reasons for the determination and shall be terminated immediately.

(3) If, at any time, the grantee or subgrantee determines that an enrollee was incorrectly declared eligible through no fault of the enrollee, the grantee or subgrantee shall give the enrollee immediate written notice explaining the reason or reasons for termination, and the enrollee shall be terminated 30 days after the notice.

(4) When a grantee or subgrantee makes an unfavorable determination on continued eligibility, it shall explain in writing to the enrollee the reason(s) for the determination and shall provide notice of the right of appeal in accordance with the required procedures set forth in § 641.324.

(5) When a grantee or subgrantee terminates an enrollee for cause, it shall inform the enrollee, in writing, of the reason(s) for termination and of the right of appeal in accordance with the required procedures set forth in § 641.324.